

REMARKS

As can be seen in the examples, the present invention is directed to the surprising discovery that when sterols and certain sterol esters as defined in the specification are combined in a fatty composition, a hardening of the composition is attained. Moreover, the invention is not directed simply to the presence of sterols and sterol esters together.

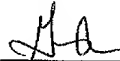
For instance, at page 11 the specification indicates that with the present invention firmness to a liquid oil or fat can be given by addition of at least one sterol and at least one sterol ester in an amount of at least 1 wt% each based on the liquid fat to which firmness is to be given. While applicants are not explicitly reciting particular amounts, it is apparent that mere mixing of sterols and sterol esters is not sufficient to obtain the firmness.

In order to establish that the invention is unpatentable in view of cited references the Office should either show that the claimed features are explicitly present or inherent in the cited art, or taught in the cited art. Instead, the Office ignores the discovered feature of firmness which can be attained with sufficient amounts of the sterols and esters and relies upon references which mention combinations of ingredients. It is submitted that one of ordinary skill in the art reading the application as a whole would well understand whether he or she is practicing the invention and that it is neither anticipated nor taught in the cited art. Therefore, it is requested that the claims be allowed.

If the rejections are to be continued, it would be appreciated if the Office would clarify the status of claim 10. It seems to be included in the broad description of the rejected claims, but no art appears to be applied against it.

In view of the foregoing, it is respectfully requested that the application be allowed.

Respectfully submitted,



Gerard J. McGowan, Jr.
Attorney for Applicant(s)
Reg. No. 29,412

GJM:pod
(201) 840-2297